

Barry J. Glickman
ZEICHNER ELLMAN & KRAUSE LLP
575 Lexington Avenue
New York, New York 10022
(212) 223-0400

Attorneys for Non-Parties
*Bank of America, N.A., Bank of America Corporation,
Banc of America Securities LLC, k/n/a Merrill Lynch, Pierce, Fenner & Smith,
Incorporated, as successor by merger, Merrill Lynch & Co., Inc.
and Merrill, Lynch, Pierce, Fenner & Smith, Incorporated*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AURELIUS CAPITAL PARTNERS LP, and
AURELIUS CAPITAL MASTER, LTD.,
Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,
Defendant.

07 Civ. 2715 (TPG)

AURELIUS CAPITAL PARTNERS, LP and
AURELIUS CAPITAL MASTER, LTD.,
Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,
Defendant.

07 Civ. 11327 (TPG)

AURELIUS CAPITAL MASTER, LTD. and
ACP MASTER, LTD.,
Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,
Defendant.

09 Civ. 8757 (TPG)

AURELIUS CAPITAL MASTER, LTD. and
ACP MASTER, LTD.,
Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,
Defendant.

09 Civ. 10620 (TPG)

(caption continued on following pages)

DECLARATION OF BARRY J. GLICKMAN

AURELIUS OPPORTUNITIES FUND II, LLC and
AURELIUS CAPITAL MASTER, LTD.,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

10 Civ. 1602 (TPG)

AURELIUS OPPORTUNITIES FUND II, LLC and
AURELIUS CAPITAL MASTER, LTD.

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

10 Civ. 3507 (TPG)

AURELIUS CAPITAL MASTER, LTD. and
AURELIUS OPPORTUNITIES FUND II, LLC,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

10 Civ. 3970 (TPG)

BLUE ANGEL CAPITAL I LLC,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

10 Civ. 4101 (TPG)

BLUE ANGEL CAPITAL I LLC,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

10 Civ. 4782 (TPG)

AURELIUS CAPITAL MASTER, LTD., and
AURELIUS OPPORTUNITIES FUND II, LLC,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

10 Civ. 8339 (TPG)

STATE OF NEW YORK,
COUNTY OF NEW YORK.

BARRY J. GLICKMAN, pursuant to 28 U.S.C. § 1746 and under the penalties of perjury, declares:

1. I am an attorney and a member of Zeichner Ellman & Krause LLP, attorneys for non-parties Bank of America, N.A., Bank of America Corporation, Merrill Lynch & Co., Inc., and Merrill, Lynch, Pierce, Fenner & Smith, Incorporated (collectively, (the “BofA Entities”). I make this declaration in reply to plaintiffs’ opposition and in further support of the BofA Entities’ motion to quash or modify Plaintiffs’ Subpoenas.¹

2. The BofA Entities filed their opposition to plaintiffs’ motion to compel and their cross-motion in December 3, 2012. Plaintiffs filed their opposition to the cross-motion on or about May 27, 2013. At no time during that nearly six month period did counsel for plaintiffs ever communicate with me about a meet and confer or to propose a narrowed scope of plaintiffs’ requested disclosure or a resolution of the BofA Entities’ objections. Indeed, the only communications with plaintiffs’ counsel concerned their repeated requests for adjournments of the motions.

3. By their opposition plaintiffs do not satisfy their burden of proving that the BofA Entities have possession, custody or control over documents in

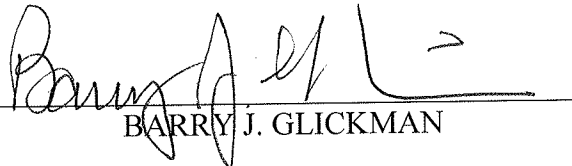
¹ Capitalized terms used herein are defined in my declaration dated December 3, 2012 and submitted in support of the BofA Entities’ Cross-Motion. [Dkt. No. 568].

the actual possession of affiliates and which plaintiffs seek. As a result, any discussion of whether any foreign law would bar production of documents in the possession of a foreign affiliate is premature. For this reason alone the BofA Entities have not yet sought expert opinion of foreign attorneys concerning this legal issue.

4. As stated in the BofA Entities' cross motion, it is important to understand that affiliates of the BofA Entities do business in more than 40 countries (December 3, 2012 Glickman Decl. ¶12). Accordingly, it is unreasonable to expect the BofA Entities to now seek prophylactically dozens of legal opinions concerning an issue that is not now and may never be ripe for determination.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 21, 2013


BARRY J. GLICKMAN

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